

## **2013 General Assembly Summary**

### **Most changes effective June 25, 2013**

***The following is a summary of legislation from the 2013 General Assembly that is of immediate relevance to street officers and deputy sheriffs. For a full compilation of new legislation of interest to law enforcement agencies, see <https://docit.ky.gov/legal/>.***

#### **SENATE BILL 8      School Safety**

##### **Adds or modifies KRS 70.062, 95.970, 158.162-164, 447-448 and 160.345**

KRS 158.162-164, 447-448 provides for schools to provide first responders with copies of emergency plans and floor diagrams, and to invite appropriate responders to scheduled drills. KRS 160.345 provides that law enforcement shall be invited to assist in establishing lockdown procedures. Local chiefs (KRS 95.970) and sheriffs (KRS 70.062) are encouraged to receiving training in school and student safety. *(This bill is duplicated by House Bill 354.)*

#### **SENATE BILL 13      Alcoholic Beverages**

##### **Adds or modifies numerous provisions in KRS 243.**

This bill includes a number of changes, most of which primarily to ABC officers. However, of particular interest to all law enforcement is 243.992 that an individual who requests emergency medical assistance for himself or another is themselves immune from prosecution for Alcohol Intoxication, Drinking Alcoholic Beverages in a Public Place, offenses related to underage drinking or providing alcohol to a minor. This immunity requires that the subject cooperate and remain with the individual, and provide such information as needed by responders that is within their ability to provide. The bill also expands provisions by which a retail establishment selling alcoholic beverages may be considered to be disorderly. Finally, KRS 243.480 allows for sales of malt beverages on Election Day unless a local government specifically prohibits such sales.

#### **SENATE BILL 56      Schools – Video**

KRS 160.705 requires schools to retain for a specified period of time copies of video/audio recordings of school activities.

#### **SENATE BILL 114      Commercial Vehicles**

KRS 189.560 requires drivers of a commercial vehicle to slow down and check railroad tracks before crossing, and to ensure that they are able to completely drive through the crossing without stopping.

#### **HOUSE BILL 3      Human Trafficking**

This bill provides for protections for child victims of human trafficking. Among other provisions, KRS 620.030 requires mandatory reporting by anyone who has reasonable belief that child human trafficking is occurring. For law enforcement, KRS 529.010 provides that if a child is reasonably believed to be the victim of trafficking, the child shall not be charged with any status offenses for conduct arising from the human trafficking. KRS 529.120 (Prostitution) provide protections of juvenile victims of trafficking, and specifically provides that minors found to be in prostitution shall be taken into protective custody and the Cabinet for Health and Family Services shall commence an investigation into possible dependence, neglect or abuse.

**HOUSE BILL 8      Synthetic drugs    EMERGENCY – EFFECTIVE IMMEDIATELY.**

KRS 218.010 changes the specific definitions for synthetic cannabinoids (“fake” marijuana) to better include all possible formulations, as well as adding other prohibited formulations. It also creates a new definition for synthetic drugs, to include both synthetic cannabinoids and piperazines as well as synthetic cathinones (“bath salts”). In addition, it includes use of synthetic drugs under KRS 530.065, Unlawful Transaction with a Minor, Second Degree. (Note that recent changes to regulation, specifically 902 KAR 55:015/E– Schedule I substances – will also be relevant to officers with cases involving synthetic drugs.)

**HOUSE BILL 39      Child Pornography**

KRS 17.546 provides that sexual offender registrants are prohibited from intentionally photographing, recording, etc. any minor without the specific written consent of the minors parents or guardian, which must also acknowledge that they understand the individual is a registered sex offender. KRS 510.155 provides that an unlawful solicitation of a minor is complete when it is done, even if they make no further effort to meet the minor, and modifies KRS 531.335 with respect to the accidental viewing of child pornography or viewing for the purposes of investigation.

**HOUSE BILL 161      Theft**

KRS 514.030 changes in the penalty schemes for theft, with respect to theft of controlled substances and theft of property valued at one million dollars or more.

**HOUSE BILL 164      - Motor Vehicle Insurance Cards**

KRS 304.39-117 provides that motor vehicle insurance cards may be shown on portable electronic devices, such as cell phones. It also prohibits an officers viewing the card for the purposes of a traffic stop from viewing any other content on the device. (This does not include a photograph of a paper copy.)

**HOUSE BILL 174      Transit Tags**

KRS 186.068 provides for special transit tags to be provided by the Dept. of Transportation for vehicles being taken through Kentucky. **(Eff. January 1, 2014)**

**HOUSE BILL 177      Misrepresenting Military Status**

KRS 434.444 provides for prosecution for misrepresenting a military status if being done for direct or indirect monetary gain. (This change was made to bring the existing statute in line with a case ruled upon by the U.S. Supreme Court in the last term, U.S. v. Alvarez.)

**HOUSE BILL 217      Controlled Substances    EMERGENCY- EFFECTIVE IMMEDIATELY.**

**KRS 218A.172, along with other provisions of KRS 218A,** is an extensive reworking of existing “pill mill” law.

**HOUSE BILL 222      Crime Victim Address Protection**

KRS 14.300-318 creates address protections through the Secretary of State, for victims of qualifying crimes (domestic violence, sex abuse, etc.).

**HOUSE BILL 273      Mini-trucks**

KRS 189.517 provides for the regulation of mini-trucks, as defined in the statute.